

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**ROBERT CARR**

**Plaintiff**

**V.**

**PETE GEREN, in his official capacity as  
Secretary of the Army**

**Defendant**

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**No. 5:08CV183**

**ORDER**

Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for Assignment of Duties to United States Magistrate Judges, the above-entitled and numbered cause of action was referred to the undersigned for pretrial purposes. On July 30, 2009, the Court granted Plaintiff's counsel's motion to withdraw. The Court allowed Plaintiff thirty days in which to retain new counsel. The Court noted that if an attorney did not make an appearance on Plaintiff's behalf within thirty days from the date of entry of the Order, the Court would proceed with this case with Plaintiff representing himself.

Thirty days have elapsed, and an attorney has not made an appearance on Plaintiff's behalf. The Court will proceed with Plaintiff representing himself. Defendant filed a Motion to Dismiss on April 10, 2009. Pursuant to Local Rule CV-7, a party has fifteen (15) days in which to file a response to a motion. Although Plaintiff received two extensions of time in which to respond to Defendant's motion, Plaintiff has failed to file a response to Defendant's motion. Accordingly, it is

**ORDERED** that Plaintiff shall file a response to Defendant's Motion to Dismiss (Docket Entry # 4) within twenty days from the date of entry of this Order. It is further

**ORDERED** that failure to file a response within the time prescribed may result in the

granting of Defendant's motion and the dismissal of Plaintiff's above-referenced cause of action.

**SIGNED this 8th day of September, 2009.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE